

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SHARI L.,

Plaintiff,

v.

1:19-CV-851
(ATB)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

SHARI L., Plaintiff Pro Se

JAMES DESIR, Special Asst. U.S. Attorney, for Defendant

ANDREW T. BAXTER

United States Magistrate Judge

ORDER

This case was referred to me, for all proceedings and entry of a final judgment, pursuant to the Social Security Pilot Program, N.D.N.Y. General Order No. 18, and in accordance with the provisions of 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, N.D.N.Y. Local Rule 73.1, and the consent of the parties. (Dkt. Nos. 4, 7). On July 14, 2020, this court issued a Memorandum-Decision and Order (Dkt. No. 13), affirming the decision of the Appeals Council to dismiss plaintiff's request for review based on a lack of good cause to extend the time for filing, and dismissing this case. Plaintiff filed a timely appeal of the Memorandum-Decision and Order. (Dkt. No. 15) Pursuant to the April 28, 2021 Order of the United States Court of Appeals for the Second Circuit (Dkt. No. 20), with respect to plaintiff's appeal, it is

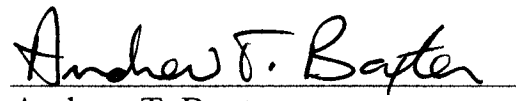
ORDERED, that the matter is **REMANDED** to the Commissioner, pursuant to the sixth sentence of 42 U.S.C. § 405(g), and the Commissioner is directed to consider appellant's new evidence of her timely administrative appeal. *See* 28 U.S.C. § 2106; *see*

also Smith v. Berryhill, 139 S. Ct. 1765, 1779-80 (2019), and it is

ORDERED, that the Clerk of the Court shall note on the docket that my July 14, 2020 Memorandum-Decision and Order (Dkt. No. 13) has been vacated by the Second Circuit, and it is further

ORDERED, that the Clerk of the Court serve a copy of this order, along with the April 28, 2021 Order of the United States Court of Appeals for the Second Circuit (Dkt. No. 20) on plaintiff, by mail.

Dated: April 29, 2021

A handwritten signature in black ink, reading "Andrew T. Baxter", is written over a horizontal line.

Andrew T. Baxter
U.S. Magistrate Judge